

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 1083**

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**Introduced by Assembly Member Eggman**

February 27, 2015

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An act to ~~amend Section 83123.5~~ *add and repeal Section 83123.6* of the Government Code, relating to the Political Reform Act of 1974.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1083, as amended, Eggman. Political Reform Act of 1974: local ~~campaign reform~~. *enforcement.*

The ~~Political Reform Act of 1974~~ establishes the ~~Fair Political Practices Commission (Commission)~~, which has the primary responsibility for the impartial, effective administration and implementation of the act. The act authorizes, *Existing law authorizes the Fair Political Practices Commission*, upon mutual agreement between the Commission and the Board of Supervisors of the County of San Bernardino (board), the Commission to assume *Bernardino*, to have primary responsibility for the impartial, effective administration, implementation, and enforcement of a local campaign finance reform ordinance passed by the board. Under the act, the Commission may be the civil prosecutor responsible for civil enforcement of that local campaign finance reform ordinance. *of the County of San Bernardino, as specified.*

~~This bill would make technical, nonsubstantive changes to this provision of law.~~

*This bill would authorize the Commission and the City Council of the City of Stockton to also enter into such an agreement, as specified. The bill would require, if an agreement is entered into, that the Commission*

report specified information to the Legislature regarding the performance of that agreement on or before January 1, 2019. The bill would repeal its provisions on January 1, 2020.

This bill would make legislative findings and declarations as to the necessity of a special statute for the City of Stockton.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: ~~majority~~ $\frac{2}{3}$ . Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 83123.6 is added to the Government Code,  
2     to read:

3     83123.6. (a) Upon mutual agreement between the Commission  
4     and the City Council of the City of Stockton, the Commission is  
5     authorized to assume primary responsibility for the impartial,  
6     effective administration, implementation, and enforcement of a  
7     local campaign finance reform ordinance passed by the City  
8     Council of the City of Stockton. The Commission is authorized to  
9     be the civil prosecutor responsible for the civil enforcement of that  
10    local campaign finance reform ordinance in accordance with this  
11    title. As the civil prosecutor of the City of Stockton's local  
12    campaign finance reform ordinance, the Commission may do both  
13    of the following:

14    (1) Investigate possible violations of the local campaign finance  
15    reform ordinance.

16    (2) Bring administrative actions in accordance with this title  
17    and Chapter 5 (commencing with Section 11500) of Part 1 of  
18    Division 3 of Title 2.

19    (b) Any local campaign finance reform ordinance of the City  
20    of Stockton enforced by the Commission pursuant to this section  
21    shall comply with this title.

22    (c) The City Council of the City of Stockton shall consult with  
23    the Commission before adopting and amending any local campaign  
24    finance reform ordinance that is subsequently enforced by the  
25    Commission pursuant to this section.

1     (d) (1) *The City Council of the City of Stockton and the*  
2     *Commission may enter into any agreements necessary and*  
3     *appropriate to carry out the provisions of this section, including*  
4     *agreements pertaining to any necessary reimbursement of state*  
5     *costs with city funds for costs incurred by the Commission in*  
6     *administering, implementing, or enforcing a local campaign*  
7     *finance reform ordinance pursuant to this section.*

8     (2) *An agreement entered into pursuant to this subdivision shall*  
9     *not contain any form of a cancellation fee, a liquidated damages*  
10    *provision, or other financial disincentive to the exercise of the*  
11    *right to terminate the agreement pursuant to subdivision (e), except*  
12    *that the Commission may require the City Council of the City of*  
13    *Stockton to pay the Commission for services rendered and any*  
14    *other expenditures reasonably made by the Commission in*  
15    *anticipation of services to be rendered pursuant to the agreement*  
16    *if the City Council of the City of Stockton terminates the agreement.*

17    (e) *The City Council of the City of Stockton or the Commission*  
18    *may, at any time, by ordinance or resolution, terminate any*  
19    *agreement made pursuant to this section for the Commission to*  
20    *administer, implement, or enforce a local campaign finance reform*  
21    *ordinance or any provision thereof.*

22    (f) *If an agreement is entered into pursuant to this section, the*  
23    *Commission shall report to the Legislature regarding the*  
24    *performance of that agreement on or before January 1, 2019, and*  
25    *shall submit that report in compliance with Section 9795. The*  
26    *Commission shall develop the report in consultation with the City*  
27    *Council of the City of Stockton. The report shall include, but not*  
28    *be limited to, all of the following:*

29    (1) *The status of the agreement.*

30    (2) *The estimated annual cost savings, if any, for the City of*  
31    *Stockton.*

32    (3) *A summary of relevant annual performance metrics,*  
33    *including measures of utilization, enforcement, and customer*  
34    *satisfaction.*

35    (4) *Public comments submitted to the Commission or the City*  
36    *of Stockton relative to the operation of the agreement.*

37    (5) *Legislative recommendations.*

38    (g) *This section shall remain in effect only until January 1, 2020,*  
39    *and as of that date is repealed, unless a later enacted statute, that*  
40    *is enacted before January 1, 2020, deletes or extends that date.*

1     *SEC. 2. The Legislature finds and declares that a special law*  
2     *is necessary and that a general law cannot be made applicable*  
3     *within the meaning of Section 16 of Article IV of the California*  
4     *Constitution because of the necessity to avoid an appearance of*  
5     *corruption in the City of Stockton's electoral process. The proposed*  
6     *local campaign finance reform ordinance is intended to make it*  
7     *more difficult for candidates and influential individuals and entities*  
8     *to engage in quid pro quo corruption, make the financing of*  
9     *campaigns for elective city offices more transparent, and to make*  
10    *more information, especially financial information, regarding*  
11    *candidates and their supporters available to voters. Enforcement*  
12    *of the local campaign finance reform ordinance by the Commission*  
13    *is needed to ensure the integrity of the ordinance.*

14    *SEC. 3. The Legislature finds and declares that this bill furthers*  
15    *the purposes of the Political Reform Act of 1974 within the meaning*  
16    *of subdivision (a) of Section 81012 of the Government Code.*

17    ~~SECTION 1. Section 83123.5 of the Government Code is~~  
18    ~~amended to read:~~

19    ~~83123.5. (a) Upon mutual agreement between the Commission~~  
20    ~~and the Board of Supervisors of the County of San Bernardino,~~  
21    ~~the Commission may assume primary responsibility for the~~  
22    ~~impartial, effective administration, implementation, and~~  
23    ~~enforcement of a local campaign finance reform ordinance passed~~  
24    ~~by the Board of Supervisors of the County of San Bernardino. The~~  
25    ~~Commission may be the civil prosecutor responsible for the civil~~  
26    ~~enforcement of that local campaign finance reform ordinance in~~  
27    ~~accordance with this title. As the civil prosecutor of the County~~  
28    ~~of San Bernardino's local campaign finance reform ordinance, the~~  
29    ~~Commission may do both of the following:~~

30    ~~(1) Investigate possible violations of the local campaign finance~~  
31    ~~reform ordinance.~~

32    ~~(2) Bring administrative actions in accordance with this title~~  
33    ~~and Chapter 5 (commencing with Section 11500) of Part 1 of~~  
34    ~~Division 3 of Title 2.~~

35    ~~(b) Any local campaign finance reform ordinance of the County~~  
36    ~~of San Bernardino enforced by the Commission pursuant to this~~  
37    ~~section shall comply with this title.~~

38    ~~(c) The Board of Supervisors of the County of San Bernardino~~  
39    ~~shall consult with the Commission prior to adopting and amending~~

1 any local campaign finance reform ordinance that is subsequently  
2 enforced by the Commission pursuant to this section.

3 ~~(d) (1) The Board of Supervisors of the County of San~~  
4 ~~Bernardino and the Commission may enter into any agreements~~  
5 ~~necessary and appropriate to carry out the provisions of this section,~~  
6 ~~including agreements pertaining to any necessary reimbursement~~  
7 ~~of state costs with county funds for costs incurred by the~~  
8 ~~Commission in administering, implementing, or enforcing a local~~  
9 ~~campaign finance reform ordinance pursuant to this section.~~

10 ~~(2) An agreement entered into pursuant to this subdivision shall~~  
11 ~~not contain any form of a cancellation fee, a liquidated damages~~  
12 ~~provision, or other financial disincentive to the exercise of the~~  
13 ~~right to terminate the agreement pursuant to subdivision (e), except~~  
14 ~~that the Commission may require the Board of Supervisors of the~~  
15 ~~County of San Bernardino to pay the Commission for services~~  
16 ~~rendered and any other expenditures reasonably made by the~~  
17 ~~Commission in anticipation of services to be rendered pursuant to~~  
18 ~~the agreement in the event that the Board of Supervisors of the~~  
19 ~~County of San Bernardino terminates the agreement.~~

20 ~~(e) The Board of Supervisors of the County of San Bernardino~~  
21 ~~or the Commission may, at any time, by ordinance or resolution,~~  
22 ~~terminate any agreement made pursuant to this section for the~~  
23 ~~Commission to administer, implement, or enforce a local campaign~~  
24 ~~finance reform ordinance or any provision thereof.~~

25 ~~(f) If an agreement is entered into pursuant to this section, the~~  
26 ~~Commission shall report to the Legislature regarding the~~  
27 ~~performance of that agreement on or before January 1, 2017, and~~  
28 ~~shall submit that report in compliance with Section 9795. The~~  
29 ~~Commission shall develop the report in consultation with the~~  
30 ~~County of San Bernardino. The report shall include, but not be~~  
31 ~~limited to, all of the following:~~

32 ~~(1) The status of the agreement.~~

33 ~~(2) The estimated annual cost savings, if any, for the County of~~  
34 ~~San Bernardino.~~

35 ~~(3) A summary of relevant annual performance metrics,~~  
36 ~~including measures of utilization, enforcement, and customer~~  
37 ~~satisfaction.~~

38 ~~(4) Any public comments submitted to the Commission or the~~  
39 ~~County of San Bernardino relative to the operation of the~~  
40 ~~agreement.~~

- 1     ~~(5) Any legislative recommendations.~~
- 2     ~~(g) This section shall remain in effect only until January 1, 2018,~~
- 3     ~~and as of that date is repealed, unless a later enacted statute, that~~
- 4     ~~is enacted before January 1, 2018, deletes or extends that date.~~